

SUMMARY OF 1996 CHAPTERED LEGISLATION*

Violence Against Women and Children

RAPE AND RELATED SEX CRIMES

AB 1490 (Caldera) - Chapter 789

Makes liable for civil penalties an adult who engages in an act of unlawful sexual conduct with a minor.

AB 2014 (Boland) - Chapter 130

This bill specifies that the statutory limitation on Sex Crimes apply to cause of action arising before, on or after the effective date of the provisions, thereby reviving and extending already expired statute of limitation periods.

AB 2104 (Machado) - Chapter 1026

This bill modifies existing procedures relative to proceedings determining the mental competence of a defendant in specified felony sex cases. It clarifies existing procedures for determining competency of a defendant charged with a felony sex offense. It also clarifies duties of the mental facilities and police with respect to notification, especially to school districts, if the defendant found incompetent to stand trial has escaped from a state hospital.

AB 2153 (Kuehl) - Chapter 882

This bill provides that a photograph of a minor that is deemed "harmful matter" and introduced or filed as an exhibit in specified criminal proceedings shall be available only to the parties or to a person named in a court order to receive it prior to the final determination of the proceeding. It also provides that after conclusion of the proceeding, the photograph shall be preserved with the permanent record maintained by the court, that no person shall have access to the photograph without a court order, and that any copy, negative, reprint, or other duplication of the photograph shall be delivered to the clerk for disposal.

AB 2949 (Harvey) - Chapter 1019

This bill enacts the Prostitution Abatement and Neighborhood Protection Act of 1996. It authorizes a judge to suspend the driving privilege of a person convicted of prostitution, not to exceed 30 days, for any violation committed within 1,000 feet of a private residence and with the use of a vehicle, in addition to other punishment.

AB 3130 (Boland) - Chapter 462

This bill addresses outstanding issues with respect to the civil commitment of sexually violent predators. In addition to clarifying provisions, this bill broadens the definition of "predatory" by adding to that definition an act directed at a person of casual acquaintance with whom no substantial relationship exists.

AB 3339 (Hoge) - Chapter 596

This bill provides that any person guilty of a second conviction of specified sex offenses, where the victim is under 13 years of age, shall be punished by medroxyprogesterone acetate treatment (also known as chemical castration), upon parole, in addition to any other punishment prescribed by law.

SB 1391 (Johnston) - Chapter 1076

This bill provides that a defendant charged with a violent felony, who is found to be mentally incompetent to stand trial, may be placed on outpatient status only if the court finds that the placement will not pose a danger to the health or safety of others. It also provides that the defendant may be delivered to a state hospital or treatment facility only if that facility has a secured perimeter or a locked and controlled treatment facility and the judge determines that the public safety will be

protected. This bill also expands the list of crimes to include additional sex crimes for which mentally disordered individuals may be committed when found to be a danger to themselves or others.

SB 1444 (Solis) - Chapter 1075

This bill adds the crime of spousal rape to the list of crimes that are conclusively presumed to be substantially related to the qualifications, functions or duties of a physician and surgeon for the purpose or purposes relating to certification. This bill also adds the offense of spousal rape to various provisions that currently reference other specified sexual offenses, including rape. This bill adds the victims of spousal rape to the victims of specified crimes whose names may not be disclosed except as specified. This bill provides a presumption that victims of spousal rape who sustain emotional injury to have sustained physical injury for purposes of obtaining restitution from the Restitution Fund.

This bill requires the brochure prepared and published by the State Department of Health Services regarding genetic diseases and defects and AIDS for distribution to each applicant for a marriage license to include information concerning domestic violence. This bill increases the minimum time of imprisonment in the county jail from not less than 96 hours to not less than 15 days for a person convicted of a domestic violence offense while on probation or suspended sentence. This bill also increases the minimum time of imprisonment in the county jail from not less than 30 days to not less than 60 days for persons who commit a domestic violence offense and have two or more previous convictions for specified domestic violence offenses. This bill is also double-joined to AB 2738 (K. Murray), which adds specified sex offenses that disqualify a person from receipt of a teaching credential or employment as a public school teacher.

CHILD ABUSE/MOLESTATION/PORNOGRAPHY

AB 295 (Baldwin) - Chapter 1080

This bill expands the definition of the term "matter", as it relates to obscene matter and child pornography, to include, among other things, various types of film and computer media.

AB 1734 (Frusetta) - Chapter 1079

This bill provides that provisions in existing law apply to any representation of information, date, or image, as specified, that contains or incorporates in any manner, any film or filmstrip relative to obscene matter.

AB 2125 (Figueroa) - Chapter 790

This bill enacts the California State Prohibition of Female Genital Mutilation Act and makes findings and declarations about this form of abuse. It requires the State Department of Health Services in consultation with the State Department of Social Services and the appropriate federal agency or department to establish and implement appropriate education, prevention and outreach activities that focus on new immigrant populations that traditionally practice female genital mutilation (FGM). This bill also provides that a person who commits a felony violation under Penal Code Section 273a (child abuse) by an act of FGM, as defined, shall be punished by an additional term of imprisonment of one year in the state prison in addition to and consecutive to the two, four or six years in state prison prescribed under Section 273a.

AB 2258 (Kuykendall) - Chapter 460

This bill increases the minimum penalty for child abuse, as specified, that results in the death of the child, from 15 years to life to 25 years to life.

AB 2474 (Kuehl) - Chapter 835

This bill requires the court to consider any history of abuse by a parent or any other person seeking custody against specified persons.

AB 2679 (Caldera) - Chapter 1082

This bill revises circumstances where a juvenile can be determined a dependent of the juvenile court and where reunification services need not or shall not be provided. This bill also prohibits the use of the fact that a child has been placed with a foster parent or guardian to demonstrate that family reunification services have not been provided.

AB 3215 (Hawkins) - Chapter 1090

This bill provides that if a person is convicted of violating certain, specified crimes against a child and probation is granted, the court shall require minimum conditions of probation including: (1) mandatory minimum periods of probation; (2) criminal court protective orders protecting the victim from further acts of violence or threats, and if appropriate, residence exclusion or stay-away conditions; (3) successful completion of no less than one year of a child abuser's treatment counseling program to be paid by the defendant if he or she is able; and (4) abstinence from the use of drugs or alcohol and subjection to random drug testing if the offense was committed while the defendant was under the influence of drugs or alcohol.

AB 3354 (V. Brown) - Chapter 1081

This bill adds "any clergy member," as defined, to the list of persons subject to the mandatory child abuse reporting laws subject to the following exception: A clergy member who acquires knowledge of child abuse during a penitential communication is not subject to the mandatory reporting law.

SB 86 (Haynes) - Chapter 36

This bill alters the standards for admissibility of Asocial study reports at jurisdictional hearings where it is determined whether a child should be declared a ward of the court pursuant to Welfare and Institutions Code Section 300, for abused and neglected children. SB 86 provides that a social study report is admissible and is sufficient evidence upon which to sustain a petition to declare a child a ward of the court. However, the bill places certain restrictions on the admissibility of evidence contained in the social study to ensure the reliability of the evidence and to protect parental rights. The bill requires the author of the social study, typically a county social worker, to be available for cross-examination after a timely request and permits continuances of up to 10 days upon a request by a party if the social study was not made available to that party in a timely manner.

SB 384 (Haynes) - Chapter 836

This bill directs the court to consider habitual or continual illegal use of controlled substances, or habitual or continual alcohol abuse by either parent in determining the best interests of a child when considering parental custody.

SB 1516 (Solis) - Chapter 1084

This bill revises and recasts intent language of existing law establishing the conditions of abuse and neglect pursuant to which a child may be declared a dependent child of the juvenile court. It also provides that the purpose of juvenile dependency proceedings is to ensure maximum safety, protection and physical and emotional well-being of the dependent child.

SB 1643 (Solis) - Chapter 387

This bill requires the Judicial Council to develop standards for supervised visitations in specified cases.

SB 1811 (Polanco) - Chapter 945

This bill requires the Judicial Council to develop and implement standards for the education and training of all judicial officers who conduct juvenile dependency proceedings on or before July 31, 1997.

SB 1995 (O'Connell) - Chapter 761

This bill makes several changes to the training requirements, duties and existing procedures governing custody evaluators in child custody cases. It provides that the Judicial Council adopt standards for full and partial court-connected evaluation, investigations and assessments related to child custody. It also deletes a provision in existing law that requires a procedure whereby any party, prior to the beginning of the investigation, may challenge the evaluator without cause and obtain a substitute.

DOMESTIC VIOLENCE/STALKING LEGISLATION

AB 2006 (Murray K.) - Chapter 691

Requires law enforcement officers at the scene of an incident of harassment to verify the existence of the order if the protected person cannot produce a copy of it.

AB 2116 (Alby) - Chapter 131

This bill authorizes a peace officer to make a warrantless domestic violence arrest if the peace officer has reasonable cause to believe that the person to be arrested has committed the assault or battery and the peace officer makes the arrest as soon as that reasonable cause arises, whether or not the assault or battery has in fact been committed.

AB 2155 (Kuehl) - Chapter 727

This bill creates an exception to specified provisions to permit a minor who is twelve years of age or older to appear in court, without a guardian, counsel, or guardian ad litem, for the purpose of obtaining a protective order against a person with whom the petitioner is having or has had a dating or engagement relationship.

AB 2170 (Knox) - Chapter 851

This bill provides that, in a case in which a person is arrested pursuant to specified law enforcement policies that encourage the arrest of domestic violence offenders, the person shall be taken before a magistrate instead of being released, except as provided.

AB 2224 (Kuehl) - Chapter 904

This bill increases the potential punishment from six months to one year in the county jail for committing battery against a person to whom the defendant is married, cohabiting with, or with whom the defendant shares a child. This bill also amends existing law prohibiting the violation of certain protective court orders by expanding the scope of court orders to cover a broader range of behavior related to domestic violence and abuse.

AB 2231 (Kuehl) - Chapter 1140

This bill makes various changes to the enforcement of domestic violence-related protective orders and specifies the conditions under which out-of-state protective or restraining orders shall be deemed valid and enforced in California. This bill also provides specified persons, including prosecutors and peace officers, civil immunity from claims of false arrest if the peace officer or prosecutor had reasonable cause to believe that the person against whom the order was issued had notice of the order.

AB 2353 (Alpert) - Chapter 983

This bill conforms parole conditions for domestic violence with the conditions of probation for domestic violence by authorizing the parole authority to impose specified conditions on the parole of a person released from prison for a domestic violence offense, including participation in or successful completion of a batterer's program and the issuance of protective orders. This bill requires the parole agent or officer to conduct an assessment of the parolee and would authorize the agent or officer to require the parolee to participate in additional sessions of the program under certain conditions. This bill also requires the Department of Corrections to submit specified reports to the Legislature in the implementation of this provision.

AB 2448 (Speier) - Chapter 375

This bill provides that the San Diego Association of Governments may serve as the regional clearinghouse for criminal justice data involving domestic violence. It also contains language specifying what the association "shall" do "contingent upon funding."

AB 2819 (Caldera) - Chapter 695

This bill requires the Judicial Council to establish judicial training programs in the area of domestic violence for individuals who perform duties in domestic violence matters, including but not limited to judges, referees, commissioners, mediators and others as deemed appropriate by the Judicial Council. The training will include a training session in domestic violence in any orientation session conducted for newly appointed or elected judges and an annual training session in domestic violence. This training will also include instruction in all aspects of domestic violence.

AB 2848 (Speier) - Chapter 696

This bill authorizes the County of San Mateo to establish a pilot project, upon adoption of a resolution by the board of supervisors, to create and adopt a standardized form for reporting violence and abuse of elders or dependent adults in compliance with existing requirements for domestic violence, child abuse, adult abuse and physical violence. This bill also requires the standardized form to be adopted after consultation with the Department of Justice and will permit any person required to report abuse

of elders to use the reporting form developed by the pilot project. This bill requires the Department of Justice to evaluate the pilot project and submit a report to the Legislature on or before January 1, 2002.

SB 1876 (Solis) - Chapter 261

SB 1876 establishes a general rule of admissibility in criminal domestic violence cases for evidence that the defendant has committed acts of domestic violence on other occasions.

SCR 46 (Solis) - Chapter R-39

This bill proclaims the month of October 1996 as Domestic Violence Awareness Month.

SEX OFFENDER REGISTRATION

AB 1562 (Alby) - Chapter 908

This bill authorizes law enforcement officers to disclose information regarding registered sex offenders that is necessary to protect the public, which may include the identities and locations of these offenders under specified circumstances. It requires the Department of Justice (DOJ) to provide specified information regarding sex offenders on a CD-ROM or other electronic medium before July 1, 1997. This bill also requires the DOJ to report to the Legislature on or before July 1, 2000 concerning the effects of changes to the "900" telephone number system made by this bill. AB 1562 contains an urgency provision for it to take effect immediately.

AB 1901 (Alby) - Chapter 129

This bill provides that the court shall have the discretion, rather than the duty, to make an order declaring the rehabilitation of a person convicted of a sex offense. This bill also provides that persons convicted of specified sex crimes shall not be relieved of the duty to register until they have received a full pardon.

AB 2017 (Escutia/Alby) - Chapter 981

This bill extends the rehabilitation period for filing a petition for a certificate of rehabilitation from a minimum of three to a minimum of five years. This bill also requires the court to rescind the certificate upon petition by a district attorney in either the county in which the conviction was obtained or in which the person resides and a showing by a preponderance of evidence that the person presents a continuing threat to minors. This bill provides that the court may grant the certificate if it finds that the petitioner has been rehabilitated.

AB 2050 (Alby) - Chapter 235

This bill prohibits individuals required to register as sex offenders from requesting an exemption in order to work or reside in a licensed child day care center, as specified.

AB 2127 (Alby) - Chapter 917

This bill requires the court to enter an order requiring that, upon conviction of a felony for the commission or attempted commission of sexual battery, the defendant register as a sex offender. This bill also provides any person who is required to register as a sex offender or who is convicted of murder or who is convicted of a felony or assault or battery, as specified, shall provide blood specimens and a saliva sample for analysis of DNA and other genetic typing analysis at the Department of Justice's DNA laboratory and to provide a right thumbprint and a full palm print impression of each regardless of the time of discharge, parole, granting of probation or release.

SB 1378 (Peace) - Chapter 909

This bill reduces the registration period for specified sex offenders to register with local law enforcement officials from 14 days to five days of coming into a city or county. It also reduces the period in which registered sex offenders have to notify officials of an address and or name change from 10 days to five days.

SB 2161 (Leslie) - Chapter 461

This bill provides that an individual is relieved of any further duty to register as a sex offender upon receipt of a certificate of rehabilitation if the individual is not in custody, on parole or on probation. This bill also adds specified sex offenses upon a child under the age of 14 years to the list of offenses

under Welfare and Institutions Code Section 6600, which defines sexually violent predators.

ELDER ABUSE

AB 1205 (Morrissey) - Chapter 788

This bill will add a 5-year enhancement to the sentence of any person who is found guilty of knowingly and designedly, by any false or fraudulent representation or pretense, causing another person to lose money or real or personal property, if the victim is 65 years of age or older.

AB 2881 (Woods) - Chapter 913

This bill authorizes law enforcement officers or other designated persons, to take an endangered adult, as defined, into emergency protective custody, or whether or not medical treatment is required, any physician treating the endangered adult may request the law enforcement agency to take that endangered adult into emergency protective custody, if the circumstances or condition of the adult indicates that continuing at his or her place of residence or in the care or custody of a parent, guardian, or other person responsible for the adult's care presents imminent danger to the health and safety, as defined, or that the endangered adult lacks the capacity to comprehend or appreciate the nature and consequences of remaining in a situation that presents imminent danger to his or her health and safety. This bill also (1) requires persons taking an endangered adult into custody pursuant to this provision to take the endangered adult to a hospital to determine the endangered adult's health status, when appropriate; and (2) allows that when an endangered adult is taken from a licensed care facility, the State Department of Social Services (DSS) be contacted and that DSS thereupon contact the applicable licensing agency that would, in turn, be required to make specified determinations regarding the facility. The bill, however, does not apply to state-licensed facilities.

VICTIM-WITNESS

AB 2294 (Sweeney) - Chapter 1103

This bill repeals a specified provision of law related to the release date of prisoners and requires that a notification of a prisoner's release date be made by mail at least 45 days prior to the inmate's scheduled release date.

AB 2328 (Hoge) - Chapter 885

Requires the Department of Corrections to supply a form to designated agencies for use by victims and witnesses to request a notice of release.

SB 580 (Wright) - Chapter 705

This bill authorizes the Department of Corrections (CDC) to utilize a collection agency for purposes of collecting restitution payments.

SB 1685 (Kopp) - Chapter 629

This bill requires specified notice to victims to include information about the victim's responsibility to report relevant information to the probation department, the right to receive a copy of the restitution order, and the right to enforce a restitution order as a civil judgment.

SB 1983 (Haynes) - Chapter 1060

This bill would authorize the Board of Supervisors of each county to establish a notification procedure to provide information of the release of any person incarcerated at, or arrested and released on bail from a county jail or any other local detention facility to those persons who have requested to be notified.

ARSON

AB 2057 (K. Murray) - Chapter 419

This bill permits the Governor to offer a reward of up to \$100,000 for information leading to the arrest and conviction of a person who commits arson upon a place of worship.

JUVENILE CRIME/GANGS

GRAFFITI

AB 2295 (Sweeney) - Chapter 600

This bill allows a judge to require a minor and his or her parents or guardians to keep a specified area of the community graffiti free for 60 days to a year, depending upon the number of previous convictions and the damage caused by the vandalism. Further, this bill authorizes a city or a county to charge the defendant's parents or guardians for the cost of administering and monitoring their child's participation in a graffiti clean-up program.

AB 2331 (Goldsmith) - Chapter 918

Existing law allows a court to suspend a person's driving privilege for violating specified graffiti provisions. AB 2331 would require the court to suspend the driving privilege (Vehicle Code Section 13202.6).

AB 2433 (Harvey) - Chapter 847

This bill increases fines and community service time for graffiti offenses. Additionally, it provides for a penalty of up to one year of county jail time, a fine of up to \$5,000 and 480 hours of community service over a period of 420 days for freeway graffiti. Senate floor amendments of August 8, 1996, added double-joining language. The purpose of this bill is to increase the penalties for first, second and subsequent graffiti violations and to create a new misdemeanor for "freeway graffiti".

JUVENILE SENTENCING

AB 2686 (Kaloogian) Chapter 93

This bill provides that in cases where minors are alleged to have committed only a Vehicle Code infraction or a violation of specified local motor vehicle ordinances, for which the municipal court has jurisdiction, the procedures set forth in the juvenile court law shall not govern. AB 2686 instead authorizes all municipal court judges and commissioners to exercise the powers granted by existing law to traffic hearing officers.

AB 3050 (Hawkins) - Chapter 520

This bill provides that parents may be required to appear at a hearing held immediately after a disposition (i.e., juvenile sentencing) hearing or at a later date in juvenile court for the purpose of imposing a restitution fine. This bill specifies that nothing in it shall be interpreted to make an insurer liable for losses caused by the willful acts of the insured's dependents. This bill also specifies that its provisions do not apply to foster parents.

AB 3369 (Bordonaro) - Chapter 195

This bill deals with the Department of Youth Authority issue regarding the transfer of individuals known as "M Cases".

SB 1377 (Peace) - Chapter 481

This bill makes two minor, clarifying changes regarding the procedures that are to be observed when juveniles are prosecuted directly in adult court under the limited direct filing provisions of Welfare and Institutions Code Section 707.01(a)(5) and (6). This bill provides that current provisions relating to the remand of juveniles who are incorrectly charged in adult court and must be remanded to juvenile court do not apply to juveniles whose cases are directly filed in adult court pursuant to the provisions of section 707.01. This bill also clarifies that a provision in current law providing that preliminary hearings of juveniles may not occur unless the minor's case is first heard in juvenile court does not apply in cases in which the juvenile is directly filed to adult court pursuant to Welfare and Institutions Code Section 707.01.

SB 1849 (Kelley) - Chapter 1166

Provides that every person under the age of 18 years who purchases, attempts to purchase, receives, or

possesses any tobacco product or any such paraphernalia shall be punished upon conviction by a fine of \$150 and 30 hours of community service or a 90-day suspension of the minor's driving privilege.

SB 2165 (Mountjoy) - Chapter 843 (OCJP Lead)

Provides that a minor who is taken into custody by a peace officer for the personal use of a firearm in the commission of a felony shall not be released until that minor is brought before a judge.

JUVENILE CONFIDENTIALITY/DISCLOSURE OF NAMES

AB 2617 (Baca) - Chapter 343

This bill authorizes any school district, including any county office of education or superintendent of schools, to participate in an interagency data information system that permits access to a computerized data base system within and between governmental agencies or districts.

AB 3224 (Poochigian) - Chapter 422 (OCJP Lead)

This bill will permit information-sharing between law enforcement agencies relative to juvenile dispositions (i.e., convictions). Under current law, a similar mechanism exists for communicating the outcomes of juvenile cases to the minor's school district.

AB 3294 (Bordonaro) - Chapter 745

This bill provides that a court must find that a petition to seal juvenile records indicates that there is no currently pending litigation directly relating to, or arising from, the criminal act that caused the records to be created before the records may be sealed. The court will be prohibited from sealing the juvenile records until the civil case is closed.

JUVENILE CRIME PREVENTION/EDUCATIONAL PROGRAMS

AB 2131 (Murray, W.) - Chapter 280

Establishes within the Department of the Youth Authority a correctional education authority for the purposes of carrying out the education and training of wards committed to the youth authority.

AB 2189 (Poochigian) - Chapter 100

Declares that it is in the public interest to encourage innovation and experimentation in the operation and maintenance of juvenile detention facilities.

AB 2447 (Murray, K.) - Chapter 1049

Revises and recasts the existing provisions which establish the operational guidelines for the Repeat Offender Prevention Program.

SB 1760 (Lockyer) - Chapter 133

This bill is a budget trailer bill that appropriates \$50 million over the next three fiscal years to the Board of Corrections (BOC) to implement the Juvenile Crime Enforcement and Accountability Challenge Grant Program. This program awards grants to counties that develop and implement comprehensive plans to respond to juvenile crime and delinquency.

SCHOOL VIOLENCE

AB 692 (Kuehl) - Chapter 915

This bill mandates the expulsion of a pupil found to have committed or attempted to commit specified acts of sexual assault at a school or school activity.

AB 1012 (Machado) - Chapter 689

This bill provides that when a person is convicted of a specified felony sex offense, and that felony was committed within a safe school zone against a victim who was a pupil currently attending school, this fact shall be considered a circumstance in aggravation in imposing a term under specified provisions.

AB 2720 (Sweeney) - Chapter 1052

This bill adds assault or battery upon any school employee as a specified condition of a pupil's expulsion from school.

AB 3492 (Frusetta) Chapter 200

This bill establishes the School Violence Reduction Program and Targeted Truancy and Public Safety demonstration project that would provide grants to schools and school districts in a effort to address escalating patterns of truancy, antisocial behavior, and delinquency for high-risk youth.

SB 1938 (Mountjoy) - Chapter 599

This bill provides that if a schoolage person is placed on probation or released on parole after being convicted or adjudicated of any felony or misdemeanor sex offense, the court is required to provide written notification to the superintendent of the school district in which the person will attend school.

SB 1985 (Dills) - Chapter 485

This bill requires each county sheriff to be presented with a summary of the county school district crime report and county crime report.

PARENTAL ACCOUNTABILITY

AB 1348 (Knowles) - Chapter 508

Provides that the father, mother, spouse, or person liable for the support of a minor shall not be liable for the costs of support of a minor while the minor is placed, detained, or committed to an institution if a petition to declare the minor a dependent child of the court is dismissed at or before the jurisdictional hearing.

AB 2154 (Kuehl) - Chapter 1138

This bill authorizes the juvenile court to direct protective orders to any parent, guardian, or member of the minor's household as it relates to issues of abuse and neglect of minors and dependents of the court.

SB 1734 (Kelley) - Chapter 355

Authorizes the juvenile court to make the father, mother, spouse, or other person liable for the support of a minor, and their estates liable for the cost of the county of home supervision or electronic monitoring.

GANG VIOLENCE

AB 2035 (Frusetta) - Chapter 982

This bill deletes the sunset date of the STEP Act. It also permits juvenile offenses to be included within the definition of a Apattern of criminal gang activity@ for purposes of determining whether the gang enhancements apply. This bill chaptered out the narrower provisions of SB 318 (Solis) and SB 1701 (Hurtt).

SB 318 (Solis) - Chapter 873

This bill deletes the sunset date of the Street Terrorism Enforcement and Prevention Act (STEP Act). It was chaptered out by a broader bill, AB 2035 (Frusetta) (see below). The STEP Act was scheduled to sunset on January 1, 1997.

SB 1701 (Hurtt) - Chapter 630

This bill would have extended the sunset date of the STEP Act to January 1, 1998 and deleted the language "at the judge's discretion" from the sentencing triads for purposes of enhancement of penalties for defendants convicted of committing a felony in association with, at the direction of, or for the purpose of promoting a criminal street gang, as defined. This bill was chaptered out by the broader provisions of AB 2035 (Frusetta) (see below).

SB 1992 (Calderon) - Chapter 844 (OCJP Lead)

This bill adds gang-related offenses to the list of offenses for which forfeiture is permitted under the "Little RICO" law. In general, this permits the profits and property interests acquired through gang-

related crimes to be forfeited if it can be proved that the crimes were committed “at the direction of, in association with, or for the purpose of benefiting” a criminal street gang, as defined.

FIREARMS

AB 113 (W. Murray) - Chapter 668

This bill exempts from the requirement that the sale, loan or transfer of a firearm be processed through a state licensed firearms dealer or a sheriff’s department, any curio or relic firearms, where both parties to the transaction are federally licensed collectors with current certificates of eligibility (COEs) and the transaction is reported to and registered with the Department of Justice. The bill also exempts from the requirements that a person who sells, loans, or transfers a firearm obtain a state firearms dealer’s license if the sale, loan, or transfer of an unloaded curio or relic firearm is conducted between two federally licensed collectors with current COEs. This bill also exempts from the 15-day waiting period, the delivery of a curio or relic to a federally licensed collector with a current COE. This bill also exempts from the requirement of a basic firearms safety certificate the delivery of a curio or relic. This bill also requires certain changes to be made in the Dealers Record of Sales (DROS) forms. The bill uses the definition of curio or relic contained in current law. The bill also permits the transfer of the firearm of a peace officer killed in line of duty to the officer’s family without a need to comply with the provisions on delivery of firearms.

AB 632 (Katz) - Chapter 787

This bill increases the penalties associated with unlawfully carrying a concealed firearm and for carrying a loaded firearm. The bill also clarifies that a person who takes a firearm without the permission of the person having lawful custody does not have lawful possession of that firearm for purposes of this bill’s enhancement provisions.

AB 635 (Bowler) - Chapter 559

This bill makes legislative findings on the need for more accurate data about firearms used in crimes. The bill requires the Department of Justice to provide the Legislature with a written report on the types of firearms used in the commission of crimes, as specified, based upon information obtained from state and local crime labs, on or before April 15 of each year, commencing in 1998.

AB 2645 (Morrissey) - Chapter 734

This bill provides that a specified firearms qualification card expires after 2 years rather than 1 year.

AB 3136 (Miller) - Chapter 845 (OCJP Lead)

This bill increases the penalty for knowingly or negligently transferring firearms to minors. Under current law, this offense is a wobbler (handguns) or misdemeanor (long guns). This bill provides for sentences of 2, 3, or 4 years for violating this provision. The bill also creates an enhancement of 1, 2, or 3 years imprisonment for firearms which are illegally transferred to forbidden classes of persons (felons, minors, those found to be mentally disturbed by a court) if that firearm is subsequently used in a felony. This bill chaptered out a narrower enhancement on transfers of handguns to minors contained in SB 671 (Lewis) (see above).

SB 671 (Lewis) - Chapter 128

This bill reduces the mandatory waiting period for handguns from 15 days to 10 days and makes related, technical changes. The bill also includes an increase in the penalties for illegal transfers of handguns to juveniles, but this provision is chaptered out by the broader provisions of AB 3136 (Miller) (see below).

SB 1374 (Peace) - Chapter 924

This bill requires the Attorney General, if funds are available, to conduct a study relative to the issue of firearms which are brought into California by persons who purchased them in other states and who subsequently move to California. The bill also makes various changes relative to the status of firearms dealers as “secondhand” dealers at gun shows and in other contexts.

CONTROLLED SUBSTANCES

AB 2564 (Goldsmith) - Chapter 733

Existing law requires a minor who is declared a ward of the juvenile court by reason of certain controlled substance or alcohol violations, in counties providing such programs, to participate in, and successfully complete, an alcohol or drug education program, or both these programs, as designated by the court. This bill requires an evaluation of the pilot program and submission of the results to the Legislature and state Department of Alcohol and Drug Programs.

AB 2970 (Olberg) - Chapter 658

Specifically provides that a person who illegally sells a controlled substance upon the premises or uses the premises to further that purpose shall be deemed to have committed a public nuisance upon the premises.

AB 3042 (Takasugi) - Chapter 738

This bill requires, contingent upon the availability of adequate funds, the Department of Justice (DOJ) to establish the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. This bill requires that CURES be implemented as a three-year pilot project commencing on July 1, 1997, to be administered concurrently with the existing triplicate process to examine the comparative efficiencies between the two systems. This bill also appropriates \$1,050,000 from the Pharmacy Board Contingent Fund to operate and implement the provisions of this bill.

AB 3098 (Campbell) - Chapter 743

This bill repeals the five-year limit for offenses which did not result in conviction but for which a postarrest diversion program was completed. The purpose of this bill is to enable potential law enforcement employers to more closely examine the history of peace officer applicants.

AB 3392 (Weggeland) - Chapter 871

Existing law prohibits the manufacture of controlled substances and the possession of certain precursors of controlled substances with the intent to manufacture those controlled substances. This bill provides that any person convicted of violating these provisions, or of an attempt to violate these provisions, as the provisions relate to methamphetamine or phencyclidine, when the crime occurs in a structure where any child under 16 years of age is present or causes a child under 16 years of age to suffer great bodily injury or death, shall be punished by an additional term of imprisonment in the state prison, as specified.

SB 1369 (Kopp) - Chapter 1132

This bill replaces current provisions permitting diversion of certain drug defendants with a "deferred entry of judgment" procedure. The difference is that under deferred entry of judgment, a defendant is required to plead guilty before being permitted to participate in rehabilitation programs in lieu of incarceration. A guilty plea is not required under current law. The bill also provides that if the presiding judge, public defender, and district attorney agree, a pre-plea drug court program may be established in that county. The bill also makes certain changes in eligibility standards for diversion/deferred entry of judgment, including a longer period until charges are dropped and elimination of eligibility of defendants charged with possession of controlled substances while armed with a firearm. Note that the Governor vetoed AB 764 (Baca) and AB 2710 (House) which also would have created drug court programs. The Governor argued that it was inappropriate to have more than one set of standards for drug court programs and that these bills would have caused unnecessary confusion if enacted.

SB 1754 (Calderon) - Chapter 867

This bill permits civil suits to be brought against drug dealers by drug users, family members, employers of users, hospitals, and children exposed to drugs in utero. Compensatory damages, including pain and suffering and loss of consortium, punitive damages, and attorney's fees may be recovered. Damages are based upon a presumptive market share based upon the amount of drugs that the dealer sold or possessed. In general, users are more restricted in what they may recover and the

proof requirements. Dealers may be liable to any plaintiff, other than the personal user, based upon an “enterprise liability” theory. The plaintiff must merely show that the dealer sold the same type of drugs in the same geographic area as that which caused harm to the plaintiff. This bill is named the Drug Dealer Liability Act.

SB 2164 (Hayden) - Chapter 846

This bill includes in Schedule IV the depressant flunitrazepam. This bill imposes a state-mandated local program upon local governments by creating new crimes.

WHITE COLLAR CRIME

AB 2053 (K. Murray) - Chapter 809

This bill deletes the sunset date of a provision in current law relating to money laundering. The bill also requires the Commissioner of Corporations to send a copy of cease and desist orders issued under the Corporate Securities Law of 1968 to the district attorney of the county of residence or place of business of the subject of the order.

AB 2827 (Escutia) - Chapter 431

Expands the applicability of the enhancement of specified white collar crimes by providing that the enhancement applies to conduct involving the taking of more than \$100,000.

AB 3183 (Isenberg) - Chapter 1044

This bill will add gambling businesses to the list of persons and institutions who must report transactions in excess of \$10,000 to the Department of Justice. The purpose of this provision is to prevent money laundering through gambling establishments (e.g., card clubs).

SB 1426 (Johnson) - Chapter 109

This bill deletes fenfluramine and its salts and isomers from Schedule IV and would repeal the prohibition against their sale. The bill provides that it shall not become operative unless fenfluramine and its salts and isomers are removed from Schedule IV of the federal Controlled Substances Act. This bill also declares that it is to take effect immediately as an urgency statute.

SB 1443 (Lockyer) - Chapter 210

Existing law provides for the incarceration or treatment of persons who have committed offenses involving substance abuse. This bill provides, in addition, that upon the diversion or conviction of a person for any offense involving substance abuse, the court may require, in addition to any or all other terms of diversion or imprisonment, fine, or other reasonable conditions of sentencing or probation imposed by the court, that the defendant participate in and complete counseling or education programs, or both, including, but not limited to, parent education or parenting programs operated by community colleges, school districts, other public agencies, or private agencies.

SB 1558 (Marks) - Chapter 861

Includes within the specified lists of crimes to which the criminal profiteering activity forfeiture apply, offenses relating to the counterfeit of a registered trademark and offenses relating to the unauthorized access to computers, computer systems and computer data.

ENFORCEMENT AND PUNISHMENT

GENERAL SENTENCING

AB 893 (Rogan) - Chapter 719

This bill adds a person convicted of a violent felony or serious felony who was on probation for a felony offense to the list of persons ineligible for probation.

AB 1137 (Baldwin) - Chapter 421 (OCJP Lead)

This bill provides that the court has discretion to impose a full, consecutive sentence for voluntary

manslaughter in which the defendant kills multiple victims.

AB 1985 (Speier) - Chapter 645

Provides that a person convicted of gross vehicular manslaughter while intoxicated who has one or more prior convictions of vehicular manslaughter or multiple prior convictions of driving under the influence shall be punished by imprisonment in the state prison for a term of 15 years to life.

AB 1999 (Knight) - Chapter 420

This bill increases the fines and lengthens the sentences for those who, while operating a motor vehicle, attempt to evade a pursuing police officer. When a death results, it is punishable solely as a felony.

AB 2000 (Goldsmith) - Chapter 690

Makes provisions in existing law applicable to operating, as well as driving, a vehicle and define "operating a vehicle" for purposes of the Vehicle Code.

AB 2051 (Alpert) - Chapter 1020

This bill creates new crimes by expanding the scope of this provision to provide that anyone who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, or camcorder, the interior of a bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons therein, is guilty of disorderly conduct, a misdemeanor. Additionally, this bill specifies that this provision shall not apply to those areas of a private business used to count currency or other negotiable instruments. This bill imposes a state-mandated local program upon local governments by creating new crimes.

AB 2069 (Tucker) - Chapter 578

This bill will authorize the imposition of a specified assessment against criminal defendants who willfully violate their written promise to appear.

AB 2082 (Conroy) - Chapter 84

This bill will provide that the method of execution shall be lethal injection when no election is made.

AB 2237 (Murray, W.) - Chapter 371

Existing law prohibits a person from knowingly or willingly interring the remains of more than one body in a single burial plot, or placing a casket or other human remains in an already occupied grave. This bill requires the statute of limitations for a violation of this provision to begin to run at the time the violation is discovered.

AB 2359 (Bustamante) - Chapter 730

This bill would provide that no person shall be allowed to file an application for change of name who is under the jurisdiction of the Department of Corrections or a registered sex offender, as specified, unless the court determines that it is in the best interests of justice to grant the application. The bill would also impose a state-mandated local program by requiring a court to verify the status of a name-change applicant and by imposing increased duties on local law enforcement officials, as specified. The bill additionally would provide that if the application is granted, the individual required to register shall notify specified law enforcement officials within 10 days.

SB 623 (Peace) - Chapter 1131

This bill will increase the penalties for the manufacture and sale of unauthorized devices designed to de-scramble cable or other multi-channel information service signals. The bill also punishes a person who distributes instructions or plans designed in whole or in part to decrypt, de-code, or de-scramble a cable signal by imprisonment and/or a fine. The bill also punishes theft of cable signals by an individual as a misdemeanor.

WORKTIME CREDITS

AB 881 (Rogan) - Chapter 852

This bill requires the Department of Corrections to take away or deny eligibility for 30 days of worktime credit for any prisoner found to be a "vexatious litigant" by a court, as defined. The effect of this bill may be to discourage the filing of frivolous lawsuits by inmates. (See also AB 2563 (Goldsmith) (dealing with the payment of court filing fees by inmates)).

SB 1231 (Lewis) - Chapter 598 (OCJP Lead)

This bill provides that convicted murderers may not earn time off their sentences through worktime credits. Under current law, murderers may earn up to 1/3 off their sentences through worktime credits. This change will only be effective when approved by the voters since it amends an initiative statute.

HATE CRIMES

AB 2140 (Kuehl) - Chapter 140

This bill makes it a misdemeanor to stamp, print, place or insert any writing, as defined, in or on any product or box, package, or other container containing a consumer product offered for sale, without the consent of the owner or manager of the premises where the product is stored or sold. "Writing" is defined to mean any form of representation or communication, including handbills, notices, or advertising that contains letters, words, or pictorial representatives. Because the bill creates a new crime, the bill imposes a state-mandated local program. The bill declares that it is to take effect immediately as an urgency statute.

ASSAULT AND BATTERY

AB 588 (Rainey) - Chapter 423

Repeals and recasts the assault offense and adds a battery offense applicable to situations where certain offenses are committed against any person on the property of, or in a motor vehicle of, a public transportation provider.

NARROWING INMATE'S RIGHTS

AB 573 (Goldsmith) - Chapter 803

Provides that a convict is required to pay restitution for damaging his or her prison cell or prison property.

AB 2563 (Goldsmith) - Chapter 886

This bill requires jail and prison inmates to pay the full court filing fee in order to initiate civil lawsuits, if the inmate is able to do so. The bill permits inmates to pay these fees on an installment basis out of their inmate accounts. The bill also clarifies that the \$3 fee specified in Penal Code section 2601 is *in addition* to any court-ordered filing fees. This bill mirrors certain provisions contained in the federal Inmate Litigation Reform Act, relating to court filing fees.

SB 251 (Ayala) - Chapter 389

This bill will permit criminal defendants who are given court-appointed indigent counsel to be charged a fee of up to \$25 for those services. However, representation will not be denied if the person is unable to pay this fee. Partial payments, based upon the ability to pay, will also be permitted. The bill will also permit counties to charge the parents of juveniles who are represented by court - appointed indigent counsel to be charged this fee. The parents' inability to pay will not preclude representation of the minor.

SB 1221 - Chapter 132

This bill deletes specified rights of a state prisoner, including the right to marry, have personal visits, create a power of appointment, make a will and receive special benefits. In other words, it limits the rights of prisoners to constitutional rights, which will make the rights specified in the Prisoners' Bill of Rights privileges to be conferred.

FUNDING LOCAL CORRECTIONS/PREVENTION

AB 3116 (Brulte) - Chapter 160

This bill authorizes a bond of \$700 million for local corrections facilities. This amount is divided evenly with authorization for \$350 million for juvenile facilities and \$350 for adult facilities. Since it involves the issuance of general obligation bonds, this bill must be approved by the voters. It is on the November 1996 ballot as Proposition 205. The bond will require a 25% local share of cost and will permit use of private facilities with these moneys.

AB 3229 (Brulte) - Chapter 124 (OCJP Lead)

This bill creates the Citizens Option for Public Safety. In fiscal year 1996-97, it provides for distribution of \$100 million for county jail operation and construction, criminal prosecution, and "front line law enforcement" in cities, counties, and certain special districts. There are provisions relating to maintenance of effort, distribution of moneys according to population, a specified allocation formula, and oversight provisions.

AB 3277 (Setencich) - Chapter 744

This bill would appropriate \$6,512,000 from the 1990 Prison Construction Fund for construction of a transportation hub at the Deuel Vocational Institution at Tracy and for minor capital outlay projects.

SB 366 (Rogers) - Chapter 704

This bill adds four special districts to the coverage of the AB 3229 (Brulte) COPS program (see below). The bill also provides for a reallocation of certain COPS funds designated for county jail construction and operation in counties in which the county sheriff does not perform these functions. Basically, this bill contains technical clean-up provisions for AB 3229.

SB 760 (Lockyer) - Chapter 133

This bill provides the Board of Corrections with \$50 million to be distributed to counties as Juvenile Crime Enforcement and Accountability Challenge Grants over a three year period. The purpose of these grants is to reduce juvenile crime. They are awarded on a competitive basis to counties that develop and implement a comprehensive multiagency plan to provide a continuum of services to combat juvenile crime and demonstrate a collaborate and integrative approach for implementing a system of swift, certain, and graduated sanctions for at-risk youth and juvenile offenders. The bill requires that multiagency juvenile justice coordinating councils be set up in each county in order to be eligible for this grant money, with specified membership. This money must supplement, not supplant, existing funds. The Board of Corrections must evaluate this program and submit a preliminary report to the Legislature by March 1, 1999 and a final report on or before March 1, 2001.

CRIMINAL PROCEDURE

COURT PROCEDURE

AB 195 (Morrow) - Chapter 1086

Requires the clerk of the superior court to provide copies of the reporter's transcripts and the clerk's transcript to counsel within 30 days of the imposition of the death sentence and requires the trial court to certify the entire record on appeal within a specified number of days of the imposition of the death sentence.

AB 988 (Hawkins) - Chapter 302

Provides that the provisions in existing law do not prohibit the district attorney or any other prosecuting agency from requesting an order granting use immunity or transactional immunity to a witness compelled to give testimony or produce evidence.

AB 2007 (Murray K.) - Chapter 90

Provides that the district attorney or that attorney of record for a minor may issue subpoenas with regard to minors who are alleged or determined by the court to be wards of the court pursuant to Welfare and Institutions Code Section 300 and Section 601.

AB 2068 (Richter) - Chapter 416

Creates a new exception to the hearsay for evidence of a statement, made by a declarant, as specified, that purports to narrate, describe, or explain the infliction of physical injury upon the declarant by the party against whom the statement is offered, and meets other specified criteria.

AB 2254 (Cunneen) - Chapter 122

This bill provides additional time to bring a criminal defendant to trial when an assessment of the defendant's mental capacity to withstand trial is required.

AB 2376 (Margett) - Chapter 123

Provides that the preparation of a probation report or the consideration of the report by the court may be waived only by stipulation of the prosecuting and defense attorneys, but if the defendant is ultimately sentenced and committed to the state prison, a probation report is required to be completed.

AB 2491 (Boland) - Chapter 94

This bill clarifies the definition of "arrest" for purposes of bail forfeiture and will also clarify the fact that in a case where a summary judgment has been ordered, an appeal bond cannot be posted until the appeal is taken.

PAROLE

AB 2284 (Boland) - Chapter 868

Requires a specified parolee to be subject to search and seizure by a peace or parole officer at any time of the day or night, with or without a search warrant and with or without cause.

SB 1600 (Leonard) - Chapter 212

Provides that the written notice to the judge of the superior court before whom the prisoner was tried and convicted shall be sent by certified mail with return receipt requested. The judge receiving this written notice is authorized to forward to the parole board specified information that is pertinent to the question of whether the parole board should grant parole or under what conditions parole should be granted. The parole board shall review and consider all information received and consider adjusting the terms or conditions of parole accordingly.

SB 2177 (Kopp) - Chapter 357

This bill provides that when any prisoner has been released on parole from state prison continuously for a period of time, that person is required to be discharged from parole unless, in some cases, the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and, in all cases, the board determines that the person will be retained.

JAILS/PRISONS

AB 614 (Aquiari) - Chapter 597

Requires an agency returning an inmate to another county to state its reasons in the notice to the sheriff or chief of police authorized to receive notice to the inmate's release.

AB 1325 (Boland) - Chapter 805

This bill will provide that a court may not order the removal and production of a prisoner sentenced to death in any action or proceeding in which the prisoner's parental rights are subject to adjudication.

AB 3378 (Brown) - Chapter 1107

Revises the existing appeals process for mandated human immunodeficiency virus (HIV) testing of persons in prison or custody to ensure that a timely review occurs.

BAIL

SB 1571 (Kopp) - Chapter 354

This bill will permit a court, for good cause, to extend the current 180 day limitation on return of bail up to an additional 180 days. The bill also provides that the existing crime of failure to appear in court after being released on one's own recognizance applies to persons convicted of, as well as

merely charged with, a crime.

SB 1630 (Polanco) - Chapter 555

This bill requires the court, judge, or justice to issue a bench warrant and the clerk must notify the Department of Justice or any other appropriate agency to enter the bench warrant in any felony case in which private bail was granted onto the National Crime Information Center computer system. Under current law, bench warrants are issued upon the application of the prosecuting attorney. This bill deletes the requirement that the prosecutor make the application for the arrest warrant.

JURIES

SB 1394 (Monteith) - Chapter 105

This bill provides that, in a county in which the required number of grand jurors is 11, an accusation in writing against an officer of a district, county, or city for willful or corrupt misconduct in office may not be presented without concurrence of at least 8 grand jurors.

SB 1457 (Kopp) - Chapter 1170

This bill sets forth in detail the nature of comments required of a public agency to a grand jury, the matter to be included, and the timeframe for response when warranted.

SB 2123 (Kopp) - Chapter 636

This bill makes minor, clarifying changes related to the sealing of juror information after a criminal trial. This bill will clean up ambiguities created by SB 508 (Campbell) of 1995 (Ch. 94 of 1995). Specifically, the bill defines “jurors,” “sealed,” and “sealing” for purposes of clarifying what information must be sealed, and extends the period for notice of a hearing for sealing from 15 to 20 days. The bill specifies that the provision relating to sealing applies only to cases in which a jury verdict is rendered on or after January 1, 1996.

PRESUMPTIONS

AB 2144 (Goldsmith) - Chapter 580

This bill provides that the current “three-years-and-a-day” rule which provides that a crime is not murder or manslaughter unless the victim dies from the blow or injury inflicted within three years and a day is a rebuttable, rather than a conclusive, presumption. The effect of this change will be to permit murder or manslaughter prosecutions in cases where the injury inflicted slowly kills the victim (e.g., victim is kept alive on life support machines, slow-acting poisons or viruses, etc.).

ATTORNEYS= CONFLICTS OF INTEREST

AB 2208 (K. Murray) - Chapter 91

This bill creates a procedure for disqualification of a city attorney comparable to the procedure currently used for recalls when there is a conflict of interest in the district attorney’s office. This bill allows cases where the city attorney is disqualified because of a conflict of interest to be prosecuted by the district attorney’s office. Under current law, these cases are handled by the Attorney General’s Office.

EVIDENCE

AB 2483 (Firestone) - Chapter 560

This bill will permit evidence of prior inconsistent statements made by a witness at a preliminary hearing or judicial trial of the same criminal matter to be admitted in the current trial if (1) the prior statement was videotaped or (2) there is a transcript of the prior testimony. The party against whom the statement is offered may cross-examine the declarant if he or she is available, but the defendant need not be available in order for the evidence to be admitted. This bill overrules a contrary case which held that the witness must be available for cross-examination.

AB 2897 (Bowler) - Chapter 345

This bill adds a section to the Evidence Code exempting images stored on video or digital media from

the “Best Evidence” rule of Evidence Code Section 1500. The purpose of this change is to allow laser printouts of photographs taken with video scanner devices to be admitted in court.

MISCELLANEOUS

AB 116 (Speier) - Chapter 970

This bill provides that no state or local agency would be required to prepare and submit any written report to the Legislature or the Governor until October 1, 1999, except under specified conditions. A list of specified reports will still be required. The act will be repealed on January 1, 2000.

AB 857 (Woods) - Chapter 911

This bill includes a recipient of in-home support services within the definition of employer, as specified, and specifies that any local law enforcement agency or officer may take fingerprints for that purpose.

AB 1387 (Brulte) - Chapter 642

Enacts the Criminal Convictions Record Act, authorizing a court to take judicial notice of enumerated computer-generated court records specified by the Judicial Council, if certified by the clerk of the recording court.

AB 1762 (Goldsmith) - Chapter 1085

This bill authorizes a city or county to enter into a contract with an Indian tribe for the county to provide fire protection services and police or sheriff protection services, as specified, either solely on Indian lands, or on the Indian lands and territory adjacent to those lands.

AB 2097 (Battin) - Chapter 646 (OCJP Lead)

Adds several felonies to the list of felonies that subject a person to career criminal apprehension and prosecution efforts.

AB 2176 (Miller) - Chapter 220

This bill provides that a department or agency which employs peace officers may release factual information concerning a disciplinary investigation under specified circumstances.

AB 2191 (Cunneen) - Chapter 121

This bill conforms the Penal Code Section 499c(b) definition of “trade secret” to the definition of “trade secret” found in the Uniform Trade Secrets Act.

AB 2296 (Gallegos) - Chapter 67

This bill eliminates the requirement that the licensed marriage, family, and child counselor be certified in hypnosis, and requires that he or she be experienced in the use of hypnosis.

AB 2329 (Goldsmith) - Chapter 275

This bill specifies that a peace officer or social worker is required to take the immediate steps to notify a minor’s guardian, as specified, that the minor is in custody and that the child has been placed in a facility authorized by law to care for that the child.

AB 2482 (Pringle) - Chapter 731

Authorizes a person employed by an amusement park to detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner.

AB 2608 (Morrissey) - Chapter 142

This bill provides that in any case in which a dependent child is removed from the physical custody of his or her parents pursuant to a specified provision of law, any de facto parent or any relative of the child may petition the juvenile court for placement of the child with the de facto parent or relative, or for custody or guardianship of the child.

AB 2637 (Bowler) - Chapter 586

This bill makes it a misdemeanor to knowingly file a false civil claim against a peace officer for actions that arise in the course and scope of the peace officer's duty.

AB 2647 (Kuehl) - Chapter 1139

This bill expands the types of protective orders in the juvenile dependency setting for which the violation constitutes a misdemeanor. This bill also makes other changes in the law concerning domestic violence with respect to child custody and dependency matters.

AB 2651 (Hawkins) - Chapter 143

This bill creates a new public officer category – the sheriff's security officer – whose primary responsibility will be to protect and guard the security of locations or facilities as directed by the sheriff.

AB 2768 (Poochigian) - Chapter 327

This bill authorizes Tulare County to establish the "Rural Crime Prevention Demonstration Project," which will be geared toward the development of statewide standards and methods of preventing, detecting and tracking agrarian crime.

AB 2936 (Cunneen) - Chapter 988

This bill enacts the Parental Kidnapping Prevention Act, which remedies parental kidnapping enforcement problems that have developed after appellate court decisions. This bill also amends certain Family Code sections to give the courts and law enforcement new measures to protect and recover parentally-abducted children.

AB 3064 (Hawkins) - Chapter 591

This legislation directs the Commission on Peace Officer Standards and Training (POST) to establish a voluntary training and certification program for law enforcement records supervisors. It also amends current law that requires POST to come back for an extension each year to develop a law enforcement accreditation program and instead makes the development of that program contingent on the availability of funding from nongeneral funds.

AB 3167 (Martinez) - Chapter 381

This bill makes it illegal to export an animal from the state that is traditionally kept as a pet with the sole intent of using the animal for food.

AB 3169 (Martinez) - Chapter 65

This bill strongly urges that legislative bodies of local agencies provide police officers and deputy sheriffs with protective vests.

AB 3314 (Baldwin) - Chapter 1054

This bill provides that certain types of knives which are capable of being opened by thumb pressure or action upon a thumb stud are not "switchblade" knives within the definition in the Penal Code.

AB 3365 (Campbell) - Chapter 561

Expands the definition of a "community-based organization" for the purposes of obtaining fund under the Gang Violence Suppression Act to include, public parks and recreation agencies, public libraries, and public community service departments that provide gang violence suppression activities.

AB 3434 (House) - Chapter 1108

Requires that, once an investigation of a complaint against an officer has been determined by the appropriate authorities to be frivolous, it shall not be maintained in that officer's general personal file.

SB 1375 (Peace) - Chapter 710

This bill makes various minor changes to the laws relating to private investigators and off-duty peace officers who act as private security guards. Among other things, this bill exempts peace officers who serve as off-duty security guards from the need to take courses on the power of arrest and firearms training if that officer has completed the mandatory POST training. The bill also requires local governments to issue a definition of "incompatible employment" for peace officers. The bill makes various other minor changes relating to security guards and process servers.

SB 1379 (Peace) - Chapter 1078

This bill creates a statutory mechanism for courts and law enforcement to comply with existing search and seizure case law, and clarifies that Ramey arrest warrants may be used for misdemeanors and expands a peace officer's authority to make a warrantless arrest of persons suspected of driving under the influence of drugs or alcohol.

SB 1493 (Johnson) - Chapter 395

This bill provides that any arrestee who is brought into a law enforcement facility for the purpose of being booked is a "prisoner" within the meaning of the government tort immunity provisions. This bill will resolve a split among the courts of appeal as to when the tort immunity for injuries to prisoners is triggered. One case held that until the booking process is complete, the person is not a "prisoner" within the meaning of the immunity provision.

SB 1519 (Johnson) - Chapter 258

This bill establishes a publicly accessible computer Internet directory containing information relating to specified wanted persons, missing children and unsolved homicides.

SB 1540 (Calderon) - Chapter 1055

This bill makes privileged any communication to a public journal of a legislative, judicial, or other official proceeding.

SB 1556 (Johnston) - Chapter 205

This bill requires a city, county, or city and county operating a jail to report to the State Department of Social Services, twice each month, the name, birth date, and social security number of any person who has been incarcerated for a period of exceeding 30 days.

SB 1797 (Thompson) - Chapter 1142

This bill adds the chief of university police departments to various provisions requiring reports to be made to the sheriff or chief of police. It also gives university police departments the right to confiscate weapons deemed to constitute a nuisance. This bill also provides that the federal Bureau of Land Management's officers are not permitted to enforce provisions of state law unless they are given written permission to do so by the local chief of police or sheriff. The bill also provides that persons recognized by Indian tribes as deputy sheriffs who have been deputized by the local county sheriff and who have completed an introductory course of training are considered peace officers, under certain circumstances.

*The information contained herein is not intended for use as legal advice and is intended for informational purposes only. For a complete description of a bill contained in the above list please contact the Legislative Division at (916) 322-0236.